

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AARON TAYLOR,

Plaintiff,

-against-

9:03-CV-1029
(LEK/RFT)

DR. VALAMUDY, Medical Director, Marcy
Correctional Facility; MS. DOOLEY, R.N.,
Marcy Correctional Facility; MS. REESE, R.N.,
Marcy Correctional Facility; DR. KLYSZEJKO;
and LLONES, Correctional Officer,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on August 29, 2006, by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 87). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Aaron Taylor, which were filed on September 7, 2006. Objections (Dkt. No. 88).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 87) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

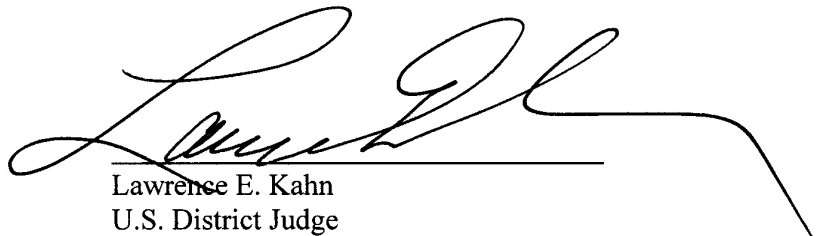
ORDERED, that Defendants' motion for summary judgment (Dkt. No. 68) is **GRANTED** and the case is **DISMISSED**; and it is further

ORDERED, that the plaintiff's motion for appointment of counsel (Dkt no. 82) is **DENIED** as **MOOT**.

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 26, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge